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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-695*

13 **CLEO PEACOCK HEAP OF BIRDS,**
14 **AKA CLEO HEAPOFBIRDS-PEACOCK,**
15 **AKA CLEO H. ALLRUNNER,**
16 **AKA CLEO ECHO HAWK,**
17 **AKA CLEO PEACOCK**
2923 Barberini Drive
Grand Prairie, TX 75052

A C C U S A T I O N

18 **Registered Nurse License No. 696070**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On January 26, 2007, the Board of Registered Nursing issued Registered Nurse
26 License Number 696070 to Cleo Peacock Heap Of Birds, also known as Cleo Heapofbirds-
27 Peacock, Cleo H. Allrunner, Cleo Echo Hawk, and Cleo Peacock (Respondent). The Registered
28 Nurse License expired on June 30, 2008, and has not been renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
7 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under section
11 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within
12 eight years after the expiration.

13 **STATUTORY PROVISIONS**

14 6. Section 2761 of the Code states:

15 The board may take disciplinary action against a certified or licensed
16 nurse or deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the
18 following:

19 (4) Denial of licensure, revocation, suspension, restriction, or any other
20 disciplinary action against a health care professional license or certificate by another state
21 or territory of the United States, by any other government agency, or by another
22 California health care professional licensing board. A certified copy of the decision or
23 judgment shall be conclusive evidence of that action.

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request
26 the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected her Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that her Oklahoma registered nurse license was
5 disciplined by the State of Oklahoma Board Of Nursing (Oklahoma Board) in a disciplinary
6 action, which resulted in her license to practice registered nursing being severely reprimanded,
7 and an administrative penalty of \$500.00, and in being required to successfully complete courses
8 in Nursing Jurisprudence, Delegation and Supervision, and The Roles and Responsibilities of the
9 Director of Nursing, to include all applicable state and federal regulations. The circumstances are
10 as follows.

11 9. Respondent was issued by the Oklahoma Board License No. R0026201 to
12 practice registered nursing in the State of Oklahoma.

13 10. On May 8, 2012, pursuant to the Oklahoma Nursing Practice Act (hereafter
14 ONPA) and the Rules of the Board, the Informal Disposition Panel before the Oklahoma Board
15 took disciplinary action against Respondent's registered nurse license in a matter entitled, *In the*
16 *Matter of Cleo (NMN) Heap of Birds Allrunner Echo Hawk Peacock, R.N. License No.*
17 *R0026201*, by jointly executing with Respondent a Stipulation, Settlement, and Order. No formal
18 complaint has been filed as of the date of the stipulation but Respondent jointly executed the
19 same to avoid further administrative action with respect to the cause and in so doing, waived her
20 right to require a formal complaint, to a formal hearing, and to confront and cross-examine
21 witnesses pursuant to ONPA. On April 23, 2012, Respondent and a nurse investigator
22 participated in an investigative conference.

23 11. The facts that led to the discipline are as follows. On or about July 20 through
24 August 8, 2011, Respondent, as Director of Nursing at Summit Living Center (Summit Living)
25 in Okeene, Oklahoma, failed to adequately supervise the licensed nurses' care and
26 documentation of nursing care provided to a resident. The paralyzed resident depending on a
27 ventilator, was admitted to Summit Living with a stage II pressure ulcer. The resident was never
28 placed on a pressure relief mattress during the stay at Summit Living. On August 8, 2011, the

1 resident was readmitted to a hospital with a stage III pressure ulcer. The resident's admitting
2 physician acknowledged that the resident had not been provided the nursing care and treatment,
3 nor medical equipment the resident needed, and that the resident's condition deteriorated as the
4 result of the lack of proper nursing care at Summit Living.

5 12. On May 22, 2012, the Oklahoma Board approved and adopted the Stipulated
6 Disposition and Order (Order) as its order in resolution of the disciplinary action. In the Order,
7 Respondent's license to practice as a registered nurse in the State of Oklahoma was severely
8 reprimanded and subjected to administrative penalty of \$500.00 and to successful completion of
9 courses in Nursing Jurisprudence, Delegation and Supervision, and The Roles and
10 Responsibilities of the Director of Nursing, to include all applicable state and federal regulations.
11 Respondent was required to comply with all terms and conditions of the Order, which constitutes
12 disciplinary action by the Oklahoma Board.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 696070, issued to
17 Cleo Peacock Heap Of Birds, also known as Cleo Heapofbirds-Peacock, Cleo H. Allrunner, Cleo
18 Echo Hawk, and Cleo Peacock;
- 19 2. Ordering Cleo Peacock Heap Of Birds to pay the Board of Registered Nursing the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: MARCH 2, 2013

25 *for* Stacie Ben
26 LOUISE R. BAILEY, M.ED., RN
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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